

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 239B.4, the Department of Human Services amends Chapter 41, “Granting Assistance,” and Chapter 93, “PROMISE JOBS Program,” Iowa Administrative Code.

These amendments remove the provision that allows participants to reverse an imposed subsequent limited benefit plan (LBP) once hours of employment or activity participation are verified. With these amendments, consequences for noncompliance with subsequent LBPs are made uniform.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0999C** on September 4, 2013.

The Department received comments from one respondent. The respondent was concerned that the Department proposal does not allow a Family Investment Program (FIP) recipient to end an LBP if the recipient does not provide verification of hours of employment or participation by the due date, but does subsequently submit that verification.

The Department’s response is that data analysis of LBP submissions has shown that this policy has dramatically reduced the amount of time case management staff are able to spend providing supports to PROMISE JOBS families. This current policy added 1,657 hours of noncontact workload to field staff during SFY 2012 processing “repeat” LBP reviews. That is 1,657 fewer hours that field staff can spend with program participants providing direct services and assisting them with addressing barriers to self-sufficiency.

Also, the LBP submission data used in analysis does not include those situations where the participant had “good cause” or had additional identified barriers that interfered with submission. The 815 cases identified as “repeat submitters” are situations in which participants are choosing repeatedly not to adhere to program deadlines.

The respondent also had a concern that this policy contradicts the development of the business-identified skill needs of dependability and time management.

The Department’s response is that this policy encourages participants to disregard deadlines. This behavior is in direct conflict with the needs of businesses and the curriculum being offered in soft-skill workshops, thus adding additional barriers to participants who are to be focused on moving toward self-sufficiency. These job readiness classes teach the necessity of timeliness and adhering to deadlines, yet this policy allows participants to repeatedly submit late reports with no consequences.

Finally, the respondent stated that it is confusing for both the participant and the case manager as to what is the actual issue.

The Department’s response is that one of the purposes of this policy was to give a different consequence for failure to submit time and attendance and nonparticipation, but if no time and attendance is submitted, the case manager cannot know if the person did not participate or did participate and just not turn in the person’s time.

The Department made no changes to the proposed amendments as the result of the comments from the respondent. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on November 13, 2013.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 239B.4.

These amendments will become effective on February 1, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **41.24(8)“e”** as follows:

e. Reconsideration of a subsequent limited benefit plan. A person who chooses a subsequent limited benefit plan may reconsider that choice at any time following the required six-month period of ineligibility.

(1) A subsequent limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued to establish the limited benefit plan. Therefore, once timely and adequate notice is issued, the person who chose the limited benefit plan cannot end it by complying with the issue that resulted in its imposition ~~except when the participant has failed to provide verification of hours of employment or participation as described in paragraph “h.”~~.

(2) to (4) No change.

ITEM 2. Rescind paragraph **41.24(8)“h.”**

ITEM 3. Amend subrule 93.13(1) as follows:

93.13(1) *Notification of participation issue.* When participants appear to be choosing a limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall send one written reminder or letter as specified in subrule 93.10(1) ~~except when the participant has failed to verify hours of employment or participation as described in 441—paragraph 93.13(2)“m.”~~. The reminder or letter shall:

- a.* Clearly identify the participation issue and the specific action needed to resolve it,
- b.* Clarify expectations,
- c.* Attempt to identify barriers to participation that should be addressed in the FIA,
- d.* Explain the consequences of the limited benefit plan, and
- e.* Offer supervisory intervention.

ITEM 4. Rescind paragraph **93.13(2)“m.”**

ITEM 5. Reletter paragraph **93.13(2)“n”** as **93.13(2)“m.”**

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/11/13.